IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 16085 of 2006(M)

PETITIONER:

C.K.SUBRAMANIAN, AGED 63 YEARS,
S/O.KUMARAN, CHAKKANTHARA HOUSE,
LOKAMALESWARAM P.O. KODUNGALLUR.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **MUNICIPAL DIRECTOR, O/O.MUNICIPAL DIRECTOR, THIRUVANANTHAPURAM.**

3. **KODUNGALLUR MUNICIPALITY, SECRETARIAT, THIRUVANANTHAPURAM.**

BY ADV. SRI.R.RENJITH for R3
BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR for R1&R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.16085/2006 M

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ORDER DATED 18/03/1997 OF THE SECRETARY, KODUNGALLUR MUNICIPALITY.**

EXT.P2: **COPY OF THE APPEAL FILED BEFORE THE DIRECTOR OF MUNICIPALITIES ON 15/07/1997.**

EXT.P3: **COPY OF THE PROCEEDINGS OF THE MUNICIPAL DIRECTOR DATED 23/09/98.**

EXT.P4: **COPY OF THE PROCEEDINGS OF THE MUNICIPAL DIRECTOR DATED 15/12/98.**

EXT.P5: **COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE MUNICIPAL DIRECTOR DATED 21/03/03.**

/TRUE COPY/

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K.K. DENESAN, J.

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W.P.(C) No. 16085 OF 2006 M
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Dated this the 15th March, 2007

J U D G M E N T

The petitioner retired from service while working as Building Inspector, Irinjalakkuda Municipality. Ext. P1 order dated 18-3-1997 was issued by the 3rd respondent imposing on the petitioner the penalty of withholding his increments for two years with cumulative effect and recovery of three times its equivalent monetary value, from the D.C.R.G. due to the petitioner. Feeling aggrieved, he has preferred Ext. P2 appeal before the 2nd respondent. Counsel for the petitioner submits that no decision has been taken on Ext. P2 which was filed as early as on 15-7-1997. At any rate, no decision has been communicated to the petitioner after the filing of Ext. P2 appeal.

2. Respondents have not filed counter affidavit.

3. In the circumstances, it has to be inferred that Ext. P2 is pending with the 2nd respondent. The retirement benefits due to the petitioner have not been paid on the ground that Ext. P2 appeal is pending disposal.

4. In the above circumstances, it is necessary in the interest of justice that decision shall be taken on Ext. P2 without any further delay. Hence, there shall be a direction to the 2nd respondent to consider Ext. P2 on merits, take decision in accordance with law, and communicate the same to the petitioner within one month from the date of receipt of a copy of the judgment. Depending on the decision on Ext. P2, benefits including terminal benefits due to the petitioner shall be paid within two months thereafter.

The petitioner shall produce a copy of the judgment and a copy of the writ petition before the 2nd respondent for information and compliance.

K.K. DENESAN
JUDGE

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